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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,314	10/31/2003	Teruo Tamada	KYFS-US	9823
24222	7590	02/25/2005	EXAMINER	
MAINE & ASMUS 100 MAIN STREET P O BOX 3445 NASHUA, NH 03061-3445			BURCH, MELODY M	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/698,314

**Applicant(s)**

TAMADA ET AL.

**Examiner**

Melody M. Burch

**Art Unit**

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/29/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of species II in the reply filed on 12/2/04 is acknowledged. The traversal is on the ground(s) that the species are not patentable over each other. This is found persuasive and the election requirement has been withdrawn.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 10/31/05. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b).

### ***Drawings***

3. Figure 33 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least one

additional energy absorbing member recited in claim 23 lines 1-2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claims 24-31 are objected to because of the following informalities: The phrase "said rib" in lines 7 and 9 of claim 24 should be changed to --said at least one rib-- to maintain consistent terminology. Appropriate correction is required. The remaining claims are objected to due to their dependency from claim 24.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claims 1, 11, 12, 14, 15, 16, 17, 18, 24, and 30. The phrase "said energy absorbing member" first recited in line 4 of claim 1 is indefinite since more than one energy absorbing member is recited. It is unclear to the Examiner as to which member Applicant intends to refer to.

Re: claim 22. The phrase "said welded surfaces" in line 2 lacks proper antecedent basis.

Re: claim 24. The phrase "said impact energy" in line 12 lacks proper antecedent basis.

The remaining claims are indefinite due to their dependency from claims 1 and 24.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3933387 to Salloum et al. in view of JP-10250513.

Re: claims 1-3, 23, 24-26. Salloum et al. show in figure 2 a system for absorbing an impact energy, said system comprising: first and second energy absorbing members 38,40; each said energy absorbing member having opposing first and second walls (top of one of the pyramids and the bottom of one of the pyramids defining a hollow space shown; at least one pair of joined first and second ribs (two of the additional pyramids) disposed within each said energy absorbing member, said first rib being integrally formed from said first wall, said second rib being integrally formed from said second wall; a joint or another one of the pyramids disposed between said first and second ribs; and wherein said first and second energy absorbing members are aligned such that said impact energy is distributed between said energy absorbing members and absorbed by said energy absorbing members as shown in figure 2.

Salloum et al. fail to include the limitation of the members being blow molded thermoplastics.

JP-10250513 teaches the use of energy absorbers made of blow molded thermoplastic.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the material of the energy absorbers of Salloum et al. to have been made of blow molded thermoplastic, as taught by JP'513, in order to provide a structurally sound lightweight energy absorber.

Examiner notes that the claim is an apparatus claim, therefore, determination of patentability is based on the product itself.

Re: claims 4 and 27. Salloum et al., as modified, teach in figure 2 of Salloum the first member and the second member being interlocked with each other via a thin part or the top of one of an additional one of the pyramids.

Re: claims 5, 6, 8, 9, 11-14, 16-18, 28, 29 and 31. Salloum et al., as modified, teach in figure 2 of Salloum the limitation wherein a projecting part or one of the pyramids is disposed in the first wall of the first member and a receiving part or cavity for receiving is disposed in the second wall of the second member.

Re: claims 7, 10, and 22. Figure 2 of Salloum et al. shows the limitation of the receiving part being a through hole or the hole through which the screw in the area of element 24 passes.

Re: claims 15, 19-21, and 30. Salloum et al., as modified, teach in figure 2 of Salloum the limitation of a stopping member or one of the additional pyramids shown in figure 2.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents: 6406079 to Tamada et al., 4375108 to Gooding, 5836641 to Sugamoto et al., 5065555 to Kobori et al., and JP-2000108826 teach the use of impact absorbers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*mmb*  
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February 22, 2005

*Melody M. Burch*  
2/22/05